

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 4, 2007

Signature: _____

(Paul B. Stephens)



JPZ

Docket No.: 30320/16646
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jean-Marc Verdiell

Application No.: 10/750,278

Confirmation No.: 9199

Filed: December 31, 2003

Art Unit: 2613

For: APPARATUS AND METHOD FOR
TRANSMITTING AND RECEIVING
WAVELENGTH DIVISION MULTIPLEXING
SIGNALS

Examiner: Dzung D. Tran

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the office action mailed April 4, 2007 (Paper No. 20070326), applicant hereby provisionally elects species 5. Claims 9-57 read on this species.

Despite the election, applicant separately traverses the restriction requirement because the examiner has not shown a "serious burden on the examiner" to examine the claims as required by MPEP § 803. Serious burden must be shown to maintain a restriction/election requirement. In the instant office action, the examiner is completely silent to the issue and offers no basis for how examining all the species in this case would present a "serious burden." In the absence of such "serious burden," applicant respectfully requests that the examiner reconsider and remove the election requirement.

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It is believed that no fee is due. However, if it is determined that a fee is due, the Director is hereby authorized to charge the fee to our Deposit Account No. 13-2855, under Order No. 30320/16646.

Dated: May 4, 2007

Respectfully submitted,

By 

Paul B. Stephens

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